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SUBJECT: CICIG ON TRACK FOR JANUARY INAUGURATION

REF: GUATEMALA 2016 AND PREVIOUS

¶1. (U) Summary: During a second visit to Guatemala that concluded October 19, Commissioner of the International Commission Against Impunity in Guatemala (CICIG) Castresana met with local authorities and the international community to advance preparations for installing CICIG. Castresana reviewed CICIG's mandate, staffing, funding, and lines of investigation. CICIG's work plan has yet to be defined, but various logistical details have been finalized and preparations are on track for inauguration of operations in January ¶2008. End summary.

¶2. (U) CICIG Commissioner Carlos Castresana followed up on his September visit to Guatemala (reftel) with a second round of meetings with local authorities and the international community that concluded October 19. On October 18, he met with the donors group -- ambassadors for the major donor countries. Castresana anticipated that contracts for initial CICIG personnel would be finalized this month, and that initial financial support pledged by the international community would be disbursed. Castresana asked for an additional USD100,000 to fund start-up costs.

Primary Objectives

¶3. (U) CICIG will have complete independence in conducting its mission, but will formalize cooperative agreements with Guatemalan national security and law enforcement agencies, including the Public Ministry, the Ministry of Government, the judiciary, and the Criminal Public Defense Institute.

¶4. (U) As primary objectives, CICIG will focus on investigating criminal groups and clandestine organizations, identifying their structures, modalities of operation, and links to government authorities and organized crime. It will support the work of local institutions, primarily the Attorney General's Office, in investigating and prosecuting individuals allegedly involved in these groups. It will make recommendations for adoption of public policies, mechanisms, and procedures aimed at dismantling these groups and strengthening state capacity to protect fundamental human rights. CICIG will also provide technical assistance to judicial institutions to more effectively combat impunity.

Organizational Structure

¶5. (U) In his discussion with the donor community and ambassadors on October 18, CICIG Commissioner Castresana outlined his structural plan. The Commission will be comprised of 100 experts (50 national and 50 international) organized into five functional units -- Civil and Political Rights, Transnational Organized Crime, Forensics, Financial Investigation, and Legal. The Civil and Political Rights Unit will investigate human rights violations and similar violations, and crimes against journalists and unionists. The

Financial Investigation Unit will focus on money laundering.

¶6. (U) Castresana envisioned that the staff would include professionals from the U.S. and Spain, as well as Colombian and Mexican specialists in investigation of organized crime, Argentine and Chilean judges, and Brazilian investigators. A team of Guatemalan experts in the Public Ministry and National Civil Police (PNC) would function as CICIG's national counterparts.

¶7. (U) CICIG's chain of command would be horizontal as well as vertical. The five units would work side by side under the command of the Commissioner and his management team. The Legal Unit would oversee CICIG's investigative work, coordinating the other units and oversee CICIG's investigative work, coordinating the other units and reporting directly to headquarters, which will house the Commissioner, press spokesperson, and security.

Physical Space

¶8. (U) CICIG will have two offices: a public office located in the Public Ministry building that will serve as liaison with the Public Ministry, and a non-public office located in a secure private property that will conduct sensitive investigations.

Strengthening of GOG Institutions

¶9. (U) CICIG will create three investigative units within the GOG, one unit each in the PNC, the Public Ministry, and the judiciary. These units will be staffed by "untouchables" (thoroughly vetted, incorruptible experts) who will continue to work to combat impunity and to protect human rights upon completion of CICIG's mandate. They will conduct information collection and analysis, investigations, and prosecutions of crimes linked with illegal and clandestine groups.

Priorities for Investigation

¶10. (U) Castresana met with GOG institutions, private sector leaders, and civil society organizations to determine CICIG's priorities. Each sector reportedly requested investigation of cases affecting its particular interests. Human rights organizations urged investigation of unresolved cases from the armed conflict and subsequent cases, such as the 1998 Bishop Gerardi murder.

¶11. (U) According to press reports, Castresana has not yet developed a work plan but will give priority to cases recommended by the GOG. Presidential candidate Otto Perez Molina (PP) recommended investigation of organized crime, while Alvaro Colom (UNE) suggested focusing on human rights violations from the armed conflict. Vice President Stein pressed for investigation of corruption in the Immigration Service, Customs, and the PNC.

¶12. (U) CICIG will determine its own agenda, establish priorities, and select cases or groups appropriate to its mandate, budget, personnel, and time constraints. Castresana stressed that CICIG's investigations will be limited to current, not past, crimes in accordance with its mandate. He indicated that his preference is to investigate organized crime groups that may be involved in more than one case rather than focus on individual cases.

Investigative Strategy and Reporting

¶13. (U) Castresana envisioned a two-tier investigative strategy. CICIG will work closely with the Public Ministry, sharing information and preparing cases for subsequent prosecution. The Public Ministry will create a special prosecutor's office comprised of five units, each with its own team of prosecutors, assistant prosecutors, and investigators. The special prosecutor's office will provide coordination and follow-up to investigations conducted by CICIG. CICIG will investigate independently of the Public Ministry only when necessary.

¶14. (U) CICIG will prepare three reports on a periodic basis: an operational report, a financial report, and a public report focusing on specific thematic issues such as femicide.

Current Challenges

¶15. (U) Castresana pointed out that among immediate challenges faced by CICIG is the lack of a budget for immediate start-up costs. While funds are available for CICIG after its installation, funds are needed now for the initial installation phase. Other challenges include ensuring the security of its personnel, physical space, and information management systems, and acquiring the necessary weapons, armored vehicles, and other equipment.

Financial Contributions

¶16. (U) UNDP, in coordination with CICIG, will administer, monitor, and evaluate the financial resources that will be used for CICIG's installation and operation. Donations will be coordinated through a trust fund administered by UNDP. The preliminary budget (which does not yet include security components) for CICIG's two-year mandate, is an estimated USD19.8 million -- USD9.3 million for the first year and USD10.5 million for the second year.